

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES L. ROBINSON,

Plaintiff,

V.

JOHN HAMM, *et al.*,

Defendants.

CASE NO. 1:19-CV-39-WKW  
[WO]

## ORDER

Before the court is Plaintiff's notice of appeal, which contains a motion for leave to appeal *in forma pauperis* and a motion for a certificate of appealability. (Doc. # 136.)

“An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). In determining good faith, the court must use an objective standard, such as whether the appeal is “frivolous,” *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or “has no substantive merit,” *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 1981) (per curiam). For the reasons explained in the Recommendation of the Magistrate Judge (Doc. # 130), which was adopted by the court (Doc # 132), the court is of the opinion that Plaintiff’s appeal is without a legal or factual basis and, therefore, is frivolous and not taken in good faith.

It is therefore ORDERED that Plaintiff's motion for leave to appeal *in forma*

*pauperis* (Doc. # 136) is DENIED. Based on the foregoing, Plaintiff is required, pursuant to 28 U.S.C. § 1915, to pay the requisite \$505.00 fee for filing his notice of appeal.

It is further ORDERED that, because a certificate of appealability is not required to appeal a final judgment in a 42 U.S.C. § 1983 action, Plaintiff's motion for a certificate of appealability (Doc. # 136) is DENIED as moot.

DONE this 24th day of February, 2022.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE